



10/675,007

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Jaya L. Jeyaseelan et al.

Examiner: Sheila B. Smith

Serial No.: 10/675,007

Group Art Unit: 2617

Filed: September 30, 2003

Docket: 80107.075US1

Title: WIRELESS NETWORK ROAMING TIMER METHOD AND APPARATUS

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

The applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a Notice of Appeal.

The review is requested for the reason(s) stated below:

1. ***A prima facie case of obviousness has not been presented because the Office Action does not designate the particular part of the references upon which the rejection relies.***

37 CFR 1.104(c)(2) states that “[w]hen a reference is complex or shows or describes inventions other than that claimed by the applicant, *the particular part relied on must be designated as nearly as practicable.*” [Emphasis Added]

The Office Actions of record repeatedly state that “XP-001103127 discloses essentially all the claimed invention as set fourth in the instant application” (sic). Applicants respectfully submit that this conclusory statement does not designate the particular part of the reference relied upon.

Further, applicants note that for each claim, the Office Actions cite entire sections of the XP-001103127 reference for support. As an example, in the discussion of claim 1, the Office Actions state that the claim language “reads on page 1 the introduction.” Also for example, in the discussion of claim 3, the Office Actions state that the claim language “reads on the entire document.” Applicants respectfully submit that these citations do not designate the particular part of the reference upon which the rejections rely, and that rejections predicated thereon should be withdrawn.

2. ***A prima facie* case of obviousness has not been presented because the applied references do not disclose, teach, or suggest the claimed subject matter.**

The applied references teach the registration of a mobile device in a cellular network so that the network knows how to find the mobile device when it is called. The instant application is directed to a mobile device making an association to an access point in a wireless network, and deciding when to make a roaming attempt to another access point.

In accordance with the guidelines for the Pre-Appeal Conference Pilot Program published in the Official Gazette 12 July 2005, rather than repeating arguments here, applicants direct the panel's attention to pages 8-14 of applicants' response mailed 4/26/06, and pages 6-7 of applicants' response mailed 9/18/06.

CONCLUSION

Applicant respectfully submit that all of the pending claims are in condition for allowance, and such action is earnestly solicited. The Examiner is invited to telephone the below-signed attorney at (952) 473-8800 to discuss any questions which may remain with respect to the present application.

Respectfully submitted,

JAYA L. JEYASEELAN ET AL.
By their Representatives,
Customer Number 45445

Dana B. LeMoine

Date October 17, 2006

By

Dana B. LeMoine
Reg. No. 40,062

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to MAIL STOP AF, Commissioner of Patents, P.O.Box 1450, Alexandria, VA 22313-1450 on **October 17, 2006**

Spencer Bartl
Name


Signature